



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BIDDLE *et al.*

Appl. No. 10/617,377

Filed: July 11, 2003

For: **Methods for Reducing
Adventitious Agents and Toxins
and Cell Culture Reagents
Produced Thereby**

Confirmation No.: 2241

Art Unit: 1655

Examiner: Flood, M. C.

Atty. Docket: 0942.4600003/SRL/FRC

Reply to Restriction/Election of Species Requirement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated **March 27, 2006**, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group I, represented by claims 1-27. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

The Examiner indicated that Applicants must elect a single species of **adventitious agents or toxins** of claims 8, 9, and 11-14, and a single species of **samples** of claims 10 and 18-24. In reply, Applicants hereby provisionally elect the following species:

- Adventitious agent: animal viruses (as recited in claim 8). Claims 1-8, 10-13 and 15-27 read on the elected species of adventitious agent.
- Sample: animal culture medium (as recited in claim 20). Claims 1-18, 20 and 27 read on the elected species of sample.

These elections are made **with** traverse.

A requirement for restriction is proper only if a search and examination of the entire application would impose a *serious* burden on the Examiner. *See* M.P.E.P. § 803. Applicants submit that searching and examining all of the claimed subject matter would not impose a serious burden on the Examiner. For example, a search of the subject matter of group I (methods for reducing adventitious agents or toxins in a sample) would likely be coextensive with a search of the subject matter of group II (methods for reducing or substantially reducing adventitious agents or one or more toxins in a sample). Thus, Applicants respectfully request that the restriction requirement be reconsidered and withdrawn.

With respect to the election of species requirement, Applicants respectfully remind the Examiner that, upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of the allowed generic claim.

It is not believed that extensions of time are required beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Consideration and allowance of all pending claims are respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Frank R. Cottingham", with a stylized flourish at the end.

Frank R. Cottingham
Attorney for Applicants
Registration No. 50,437

Date: JUL. 27, 2006

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

560476_1.DOC